

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 14-00306 WHA

v.

LUKE D. BRUGNARA,

Defendant.

**NOTICE RE WITNESSES FOR
DEFENDANT'S PROPOSED
SUBPOENAS**

Although the Court would normally maintain the confidence of proposed subpoenas by a defendant in a criminal case, this work product privilege is not absolute and may be compromised for good cause. Here, good cause exists. Two weeks ago, defendant waived his right to counsel and his motion to proceed *pro se* was granted. During the *Faretta* hearing, he stated that he would only need to “send out a handful of subpoenas, and I’m ready to go. I can do this trial date sooner than the 27th because my witnesses are going to show. I’m ready to go any time in April” (Dkt. No. 366 at 65–66). Defendant vehemently requested an April 27 trial date. Eight days after defendant made this statement, the Court was shocked to find that defendant had submitted 46 subpoena applications, not a “handful.”


As defendant is now representing himself, and does not have the benefit of counsel, the basis for work product privilege is fictional. Moreover, defendant has already disclosed most of the witnesses he intends to subpoena in a public filing (Dkt. No. 363). With the trial set to begin in less than three weeks, time is very short. It is doubtful that the Marshal could even serve defendant’s proposed subpoenas in that short time frame.

1 At the hearing tomorrow, the Court requests that the both sides be prepared to discuss
2 which of the following proposed defense witnesses could provide relevant and admissible
3 testimony to our case: Tony Crossley, Frank Sanders, Nick Barbato, Doug Johnson, Joan
4 Michelman, Christopher Apostle, Jennifer Biederback, Donald Pipkins, Clint Reilly, Peggy
5 McCall, Willie Brown, Mark Levinson, Brandon Leblanc, Erik Babcock, Troy Carasco, Zack
6 Fletcheimer, Leo Fraser, Jack Shaoul, Si Newhouse, Gary Tinerow, Patricia Failing, Sergeant
7 Lambert, Cathy Barnet, Brenda McCoy, Jameth Record, Mr. Trescos, Mr. Ceasar, Mr. Stone,
8 Jeffrey Bornstein, Harris Taback, Harvey Shoshett, Jeremy Desor, Anders Karlsson, Jon
9 MacWhinnie, Walter Maibaum, and Rose Long.

10 The government has a legitimate need to address the above issue because it affects the
11 viability of holding the April 27 trial date.

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13 **IT IS SO ORDERED.**

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15 Dated: April 6, 2015.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE